

### REMARKS/ARGUMENTS

Favorable reconsideration of this application is respectfully requested.

Claims 1-56 are pending in this application. Claim 56 is added by the present response. Claims 1-55 were rejected under 35 U.S.C. §102(e) as anticipated by U.S. patent 6,898,709 to Teppler.

Addressing the above-noted rejection based on Teppler, that rejection is traversed by the present response.

The applicants of the present invention recognized that a problem exists with respect to determining when information released on a network, such as the Internet, becomes available as a publication, for example as prior art to a patent application. As a result one object of the present invention is to provide a novel system and method to certify the existence of electronic information released on a network, such as the Internet, at a prescribed time and date.<sup>1</sup>

With the claimed system, a confirmation procedure is set in place to determine when electronic information is released on a network, so that if at a future time someone wishes to rely upon that electronic information, e.g., as prior art, there will be a certification as to the time and date of release of the electronic information, i.e., its publication.

Applicants note each of the independent claims is amended by the present response to clarify features recited therein. Specifically, independent claim 1 now clarifies that each of the operations performed therein is performed by one of the computer servers on the network, which is a different computer than the computer having the information at its location and requesting access of its information.

Applicants also note new independent claim 56 is presented for examination. New independent claim 56 is similar to independent claim 1 as amended, but recites the storing of

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<sup>1</sup> See for example the present specification at page 3, lines 3-7.

the "electronic certificate and an attribute information of the electronic information, which relates to a place on the network and date", rather than indicating storing both the electronic certificate and a copy of the electronic information.

The claims now clarify a structure such as shown in Figure 1 of the present specification in which, for example, a first server 3 may have information stored therein that is desired to be securely provided as a potential prior art reference for a patent search, as an example. In the operation of the present invention, that first server 3 can indicate a request to another server on the network, second server 5 in Figure 1, to access its prescribed electronic information 31, obtain a copy of its prescribed electronic information 31, generate information of a location, time, and date when the second server 5 access the prescribed electronic information 31, generate a prescribed electronic certificate specifying the electronic information 31 and attribute information, obtain and store the prescribed electronic certificate, and store either a copy of the electronic information 31 or attribute information. In the claimed invention each of those operations is performed by the second server 5.

The claims are also amended by the present response to clarify that the at least one computer server on the network, such as the second server 5 in Figure 1 of the present specification, also has first and second memories that can store the electronic certificate and either a copy of the electronic information or the attribute information. That subject matter is fully supported by the original specification for example at page 12, line 16 *et seq.*

Thus, the claimed invention provides a structure and operation in which a third party (second server 5) can take all necessary steps to ensure that the information 31 requested by the first server 3 is authenticated and stored to be available as a future prior art reference for a patent search, as an example.

The features clarified in the claims are believed to clearly distinguish over the applied art to Teppler.

Teppler discloses an operation in which a time stamp authority (TSA) can provide a proof-of-existence for a particular datum at an instant in time.<sup>2</sup> The TSA operates to provide a time stamp of a data and to establish evidence indicating the time at which the data existed.<sup>3</sup> However, in the system in Teppler the TSA merely creates time stamp tokens to indicate that a datum exists at that particular point in time.

Teppler differs from the claims as written as Teppler does not disclose or suggest that the third party TSA also includes memories that can store the electronic certificate and either a copy of the electronic information or the attribute information.

In the claimed invention a third party server, such as second server 5 in Figure 1 of the present specification, includes its own memory, see for example memory 61, which can store both the electronic certificate and either a copy of the electronic information or the attribute information. Thereby, in the claimed invention that third party server 5 can completely make available the electronic information or attribute information with its appropriate timing so that it can, for example, be easily utilized as prior art in a patent search. Teppler is not directed to such a device. Teppler merely discloses that a requesting entity can have a time stamp verification made so that the requesting entity itself can store all relevant data. Teppler is not directed to a device that allows information to be released on a network such that a third party server can store the information or attribute information with its electronic time stamp information in its own memory. By virtue of such differences, in Teppler there is no indication that the information subjected to the time stamp authority could ever be available as a prior art document such as in a patent search. In contrast, in the claimed invention such electronic documents can be made available through the second server.

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<sup>2</sup> Teppler at column 33, lines 39-42.

<sup>3</sup> Teppler at column 33, lines 43-44.

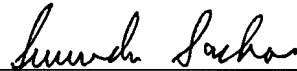
The structure and operation the present invention allows a system in which electronic information to be distributed on a network can be readily available, for example such information can then be easily utilized and searched for prior art in a patent search. Such is not possible in the device of Teppler.

In view of these foregoing comments, applicants respectfully submit the claims as currently written distinguish over the teachings in Teppler.

As no other issues are pending in this application, it is respectfully submitted that the present application is now in condition for allowance, and it is hereby respectfully requested that this case be passed to issue.

Respectfully submitted,

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